

LEGISLATION GOVERNING DATA PRIVACY	POTENTIAL CONSUMER CONSENT ISSUES	HIGHLIGHTS OF SOME CONSENT EXEMPTIONS
<b>Brazil</b>		
<p>General Data Protection Act ("LGPD") will come into force in 2020.</p>	<ul style="list-style-type: none"> <li>• Consent required for new purposes.</li> <li>• Specific rules on direct marketing are expected to be issued by the National Data Protection Agency in future.</li> </ul>	<ul style="list-style-type: none"> <li>• Studies conducted by research institutions.</li> <li>• Fulfilling legal or regulatory requirements.</li> <li>• Protection of health in procedures led by health professionals.</li> <li>• Protection of credit... etc.</li> </ul>
<b>Canada</b>		
<ul style="list-style-type: none"> <li>• Personal Information Protection and Electronic Documents Act ("PIPEDA").</li> </ul> <p><b>Relevant provincial private sector legislations:</b></p> <ul style="list-style-type: none"> <li>• The Personal Information Protection Act, SBC 2003 c 63 and SA 2003 c P-65.</li> <li>• Personal Health information Protection Act, SO 2004 c 3 Sched. A.</li> <li>• Personal Health Information Privacy and Access Act, SNB 2009 c P-7.05.</li> <li>• Privacy Act, RSC 1985 c P-21.</li> </ul>	<ul style="list-style-type: none"> <li>• Consent required for activities outside what is necessary to provide a product or service, such as marketing or activities outside of the reasonable expectation of the individual.</li> <li>• Consent may be express or implied but express consent is generally required when the information is sensitive, outside the reasonable expectation of the individual or creates a meaningful risk of harm to the individual.</li> <li>• Consent must be meaningful therefore bundled consent is general not considered valid.</li> </ul>	<ul style="list-style-type: none"> <li>• The collection, use and disclosure of personal information contained in a witness statement and is necessary to assess, process or settle an insurance claim... etc.</li> </ul>
<b>Central America</b>		
<p>There is no specific data protection law in Belize, El Salvador, Guatemala, Honduras and Panama.</p> <p>The Law No. 8968 on the Protection of the Person concerning the Treatment of Persona Data and the Personal Data Protection Law, number 787 and the Regulation of the Law on Personal Data Protection (Degree No. 36-2012) govern the use of personal data In Costa Rica and Nicaragua respectively. Consent is required to collect, use, retain and disclose personal data in both countries.</p>		
<b>Chile</b>		
<p>The Persona Data Protection Act No. 19,628 came into force in 1999 and was amended in 2002, 2010 and 2012.</p>	<ul style="list-style-type: none"> <li>• Consent required for direct marketing.</li> <li>• Consent cannot be inferred from omission to act.</li> </ul>	<ul style="list-style-type: none"> <li>• Personal data that comes from sources available to the public.</li> <li>• Past due records more than 90 days.</li> <li>• Personal data processed for the exclusive use and general benefit of private legal entities and affiliates.</li> <li>• Statistical purposes.</li> <li>• Price setting or other general benefit... etc.</li> </ul>
<b>Colombia</b>		
<ul style="list-style-type: none"> <li>• Statutory Law 1266 of 2008</li> <li>• Statutory Law 1581 of 2012</li> <li>• Decree 1074 of 2015</li> <li>• Decree 886 of 2014</li> <li>• Decree 090 of 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Consent required collection, use, transfer, storage and processing of personal data.</li> <li>• Direct marketing requires consent.</li> <li>• Consent cannot be inferred from failure to respond.</li> <li>• Bundled consent is not valid.</li> </ul>	<ul style="list-style-type: none"> <li>• Product development</li> <li>• Credit risk mitigation, investigation or analytics and statistics... etc.</li> </ul>
<b>Dominican Republic</b>		
<p>Law No. 172-13 on the Protection of Personal Data enacted December 13, 2013 ("DPL").</p>	<p>Consent is the general rule for the treatment of personal data under the DPL.</p>	<ul style="list-style-type: none"> <li>• Data obtained from a public source.</li> <li>• Data obtained to exercise public duties fulfil a legal obligation.</li> <li>• Marketing purposes (when data is limited to basic information e.g., name, ID, passport, tax ID).</li> <li>• Data that is derived from a contract or professional or scientific relationship... etc.</li> </ul>

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<b>Hong Kong</b>		
<p>Hong Kong has a comprehensive privacy law regime. The governing law is the Personal Data (Privacy) Ordinance (Cap 486) ("PDPO").</p>	<ul style="list-style-type: none"> <li>• Collection, use, storage, processing and disclosure of personal data needs to comply with PDPO.</li> <li>• Consumer credit data can only be accessed by credit provider for the credit assessment purpose.</li> <li>• Other use requires prescribed consent of the data subject.</li> <li>• Express consent is required for direct marketing.</li> </ul>	<ul style="list-style-type: none"> <li>• Statistics and research</li> <li>• Crime detection or prevent... etc.</li> </ul>
<b>India</b>		
<ul style="list-style-type: none"> <li>• Information Technology Act, 2000, as amended by the Information Technology (Amendment) Act, 2008.</li> <li>• Circulars, notifications and various rules, including Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 and the Information Technology Intermediaries guidelines) Rules, 2011.</li> </ul>	<ul style="list-style-type: none"> <li>• Consent required for collecting, receiving, storing, dealing, handling, transferring and disclosing data.</li> <li>• Direct marketing also requires consent.</li> <li>• Consent has to be voluntary, informed, explicit and unambiguous.</li> <li>• A new Data Protection Bill is expected to be passed soon.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no specific legislation governing online direct marketing but it is general practice to allow people to opt in or out.</li> </ul>
<b>The Philippines</b>		
<ul style="list-style-type: none"> <li>• Data Privacy Act and the Implementation Rules and Regulations of the Data Privacy Act.</li> <li>• Credit Information Systems Act and its Implementation Rules and Regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Collection, processing, use, disclosure, storage of personal data requires consent.</li> </ul>	<ul style="list-style-type: none"> <li>• Scientific and statistical research... etc.</li> </ul>
<b>United States &amp; Puerto Rico</b>		
<ul style="list-style-type: none"> <li>• Sectoral laws in data protection at federal level.</li> <li>• Federal Trade Commission Act.</li> <li>• Fair Credit Reporting Act.</li> <li>• Gramm-Leach-Bliley Act.</li> <li>• Fair and Accurate Credit Transactions Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Direct marketing may require consent. It varies based on industry marketing regulations.</li> </ul>	
<b>South Africa</b>		
<ul style="list-style-type: none"> <li>• Protection of Personal Information Act 4 of 2013.</li> <li>• National Credit Act 35 of 2005.</li> </ul>	<ul style="list-style-type: none"> <li>• Consent required for direct marketing by electronic communication.</li> <li>• Right to access consumer credit reports with consent for purposes of a long- or short term insurance application.</li> </ul>	<ul style="list-style-type: none"> <li>• Historical, statistical or research activity.</li> <li>• Prevention, detection and prosecution of offences... etc.</li> </ul>
<b>United Kingdom</b>		
<ul style="list-style-type: none"> <li>• The General Data Protection Regulations.</li> <li>• The Data Protection Act 2018.</li> </ul>	<ul style="list-style-type: none"> <li>• Consent required for unsolicited direct marketing by email or SMS, new incompatible purposes and setting or reading cookies on devices.</li> <li>• Consent must be specific, informed, unambiguous and freely given.</li> </ul>	<ul style="list-style-type: none"> <li>• Processing personal data by a credit reference agency.</li> <li>• Identify verification.</li> <li>• Direct marketing by post.</li> <li>• Fraud prevention... etc.</li> </ul>

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